

# **Exhibit 4**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: :  
CITY OF ALMATY, KAZAKHSTAN, :  
et al., :  
Plaintiffs, : Docket #15cv5345  
1:15-cv-05345-AJN-KHP  
- against - :  
MUKHTAR ABLIAZOV, et al., : New York, New York  
Defendants. : July 13, 2017

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PROCEEDINGS BEFORE  
THE HONORABLE KATHARINE H. PARKER  
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES:

For Plaintiffs BOIES SCHILLER & FLEXNER LLP  
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discovery. So we will respond in due course, but we think this goes a little far, seeking Rule 34 discovery from a nonparty, an international party.

THE COURT: Well if there's that objection, certainly, Mr. Schwartz, you can follow procedures to get discovery, third-party discovery.

MR. SCHWARTZ: Well I guess our point is it's not third-party discovery because of Your Honor's finding that they're alter egos. I understand the language and the order, but I cannot locate any factual or legal distinction for discovery purposes in the order with respect to the depositions. And the issue hasn't been raised in respect to documents. And I don't think you want to relitigate the same issue with every possible form of discovery on the (inaudible).

THE COURT: That is true.

MR. SCHWARTZ: So, you know, I'm happy to take the Court's guidance on this, but I think that that finding was a supported and accurate finding, and it's a basis for party discovery from SDG as the alter-ego for Triadou. And also, by they way, is the alter-ego of Ilyas Khrapunov based on Judge Nathan's finding, which I've been criticized several times for citing today, although I note although Mr. Kenney's client did not appear at that. He was served prior

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2 to it, and he did choose to invoke the U.S. proceedings in  
3 U.S. foreign proceedings prior to the attachment hearing.  
4 So that was another strategic choice by him. Nonetheless,  
5 Judge Nathan made a finding that Triadou's sale or SDG's  
6 sale from Ilyas Khrapunov to Phillip Glatz (phonetic) was a  
7 sham sale. So I think he's -- I think STG is a double alter  
8 ego of both -- two parties -- Ilyas Khrapunov and Triadou in  
9 this case -- and so party discovery is appropriate.

10 THE COURT: And my inclination is that I don't  
11 know that I would find differently, just from a document  
12 request, as opposed to a deposition. There's an open  
13 allegation regarding the alter ego. And at least for  
14 discovery purposes it seems to me that there's no reasonable  
15 basis for a distinction. I don't know if that issue is  
16 before me right now. So if you believe that there's some  
17 basis for the distinction, you can let me know, and I'm  
18 happy to take a look at that.

19 Since this was just raised today, I'm not going to  
20 preclude you from making that argument. But I'm sort of  
21 letter you know I'm not sure there's a distinction.

22 MR. HASSID: So just a couple of points and then  
23 I'd like to clarify what you just said so I make sure I  
24 understand. I think for them to get further discovery from  
25 SDG based on the Court's order, they ought to properly brief